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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/724,393	12/01/2003	Yuji Kusano	044499-0189	8886
22428	7590	06/28/2005	EXAMINER	
FOLEY AND LARDNER SUITE 500 3000 K STREET NW WASHINGTON, DC 20007			LA, ANH V	
			ART UNIT	PAPER NUMBER
			2636	

DATE MAILED: 06/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/724,393

Applicant(s)

YUJI KUSANO

Examiner

Anh V. La

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 3/26/04.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-13 are rejected under 35 U.S.C. 102(e) as being anticipated by Morita.

Regarding claim 1, Morita discloses a system for mediating safety drive information, the system comprising safety drive detecting terminals 4, a plurality of sensors in each vehicle (paragraph 0079), user's safety confirming terminals 16, 18 possessed by users wishing to obtain the safety drive information for a specified vehicle, a safety drive information mediating apparatus 13 for applying a predetermined process to detected sensor data from the safety drive detecting terminals in the vehicle to supply information about the safety drive of the specified vehicle to corresponding user's safety confirming terminal, wherein the system judges whether or not the vehicle is running in a safety drive state, and then supplies either a message of the occurrence of an abnormal state to a user's safety confirming terminal in a predetermined contact address when the abnormal drive state of the vehicle is confirmed, or a message of the safety drive of the vehicle to the user's safety confirming terminal when the safety drive of the vehicle is confirmed and when a request of confirming the safety drive is received from the predetermined contact address (figures 10, 11, 15).

Regarding claim 2, Morita discloses the judgment 15 as to whether or not the vehicle is running in a safety drive state is executed either in the safety drive detecting terminal included in each vehicle, or in the safety drive information mediating apparatus.

Regarding claim 3, Morita discloses comparing the detection sensor data with pre-specified detection sensor data (p. 070, fig. 15).

Regarding claim 4, Morita discloses a cellular phone 64.

Regarding claim 5, Morita discloses a fee charging process function (p. 126, 134, 136, 137).

Regarding claim 6, Morita discloses a varied service fee (p. 126, 134, 136, 137).

Regarding claim 7, Morita discloses the level of the safety drive information being varied by the number of sensors (p. 79).

Regarding claim 8, Morita discloses a telephonic communication function 62.

Regarding claim 9, Morita discloses a safety drive detecting terminal for detecting the drive state of a vehicle with a plurality of sensors (p. 79), comprising first means 15 for judging whether or not the vehicle is running in a safety drive state, second means 16 for supplying the abnormal drive information to a user's safety confirming terminal when an abnormal drive state of vehicle is confirmed.

Regarding claim 10, Morita discloses a safety drive information mediating apparatus comprising first means 15 for judging whether or not a vehicle is running in a safety drive state on the basis of detection sensor data received by wireless from a plurality of vehicles 4 (p. 79), each of which is equipped with a safety drive detecting terminal for detecting the drive state with sensors, and second means 16 for supplying

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either a message of the occurrence of an abnormal state to a user's safety confirming terminal in a predetermined contact address when the abnormal drive state of the vehicle is confirmed, or a message of the safety drive of the vehicle to the user's safety confirming terminal when the safety drive of the vehicle is confirmed and when a request of confirming the safety drive is received from the predetermined contact address.

Regarding claim 11, Morita discloses a method for confirming safety drive information of a vehicle the method comprising the steps of detecting the drive state data of the vehicle with a plurality sensors (p. 79), judging 15 from the drive state data whether or not the vehicle is running in a safety drive state, supplying 16, 18, either a message of the occurrence of an abnormal state to a predetermined contact address when the abnormal drive state of the vehicle is confirmed, or a message of the safety drive of the vehicle to the predetermined contact address when the safety drive of the vehicle is confirmed and when a request of confirming the safety drive is received from the predetermined contact address.

Regarding claim 12, Morita discloses a program for confirming safety drive information of a vehicle, comprising a first memory section 14, 15 for detecting the drive state data of the vehicle with a plurality of sensors (p. 79), a second memory section 14, 15 for judging a safety drive state, and a third memory 14, 15 section for supplying a message of the occurrence of an abnormal state to the predetermined contact address when the abnormal drive state of the vehicle is confirmed, or a message of safety drive

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of the vehicle when the safety drive of the vehicle is confirmed and when a request of confirming the safety drive is received from the predetermined contact address.

Regarding claim 13, Morita discloses a storage medium including a program for confirming the safety drive information of a vehicle comprising a first means 13 the detecting the drive state data of the vehicle with a plurality of sensors (p.79), second means 15 for supplying either a message of the occurrence of an abnormal state to the predetermined contact address when the abnormal drive state of the vehicle is confirmed, or a message of safety drive of the vehicle when the safety drive of the vehicle is confirmed and when a request of confirming the safety drive is received from the predetermined contact address.

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

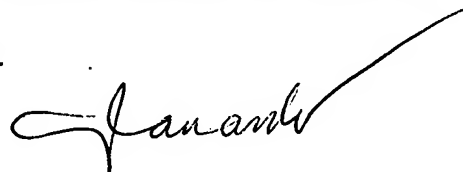
Henderson, Man sell, and Myr teach vehicle tracking and security systems.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anh V. La whose telephone number is (571) 272-2970. The examiner can normally be reached on Mon-Fri from 9:30am to 6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffery Hofsass can be reached on (571) 272-2981. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



ANH V. LA
PRIMARY EXAMINER

Anh V La
Primary Examiner
Art Unit 2636

AI
June 01, 2005